

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 423-59

IBA et al

C# M#

Group Art Unit: 1648

NOV 25 2002

Serial No. 09/800,520

Examiner: Leffers Jr., G.

Filed: March 8, 2001

Date: November 25, 2002

Title: PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

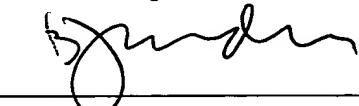
Total effective claims after amendment	6	minus highest number				
previously paid for	20	(at least 20) =	0	x	\$ 18.00	\$ 0.00
Independent claims after amendment	2	minus highest number				
previously paid for	3	(at least 3) =	0	x	\$ 84.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)						\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months)						\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00						\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00)						\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed						
<input type="checkbox"/> Submission attached						
Subtotal						\$ 0.00
If "small entity," then enter half (1/2) of subtotal and subtract						-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith						
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)						\$ 180.00
Assignment Recording Fee (\$40.00)						\$ 0.00
Other: Amendment (Copies of Office Action Summary and Declaration from Parent Application SN 09/214,465); Information Disclosure Statement; PTO-1449 Form; Copies of Cited References						0.00

TOTAL FEE ENCLOSED \$ 180.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:plb

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



Application No.

09/214,465

Applicant(s)

IBA ET AL.

Examiner

Gerald Leffers

Art Unit

1636

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 March 2002.
2a) This action is FINAL. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13, 15, 16, 18-24, 26-28 and 30-38 is/are pending in the application.
4a) Of the above claim(s) 8, 9 and 30-36 is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-7, 10-13, 15, 16, 18-24, 26-28, 37 and 38 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
10) The drawing(s) filed on 1/5/99 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

423-48
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Nixon & Vanderhye P.C. (10/99)

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RULE 63 (37 C.F.R. 1.63)
INVENTORS DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY

the specification of which (check applicable box(s)):

is attached hereto
 was filed on 05 January 1999 as U.S. Application Serial No. 09/214,465 (Atty Dkt No. 423-48)
 was filed as PCT International application No. PCT/JP97/04592 on 12 December 1997

and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
8-335433	Japan	16 December 1996
9-159538	Japan	17 June 1997

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

Prior U.S./PCT Application(s):	Day/Month/Year Filed	Status: patented pending, abandoned
Application Serial No. <u>PCT/JP97/04592</u>	<u>12 December 1997</u>	<u>patented pending, abandoned</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively owner(s)/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Basha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32108; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Michard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comunis, 31097; Gary T. Tanigawa, 43180. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

1.	Inventor's Signature: <u>伊庭 美夫</u>	Date: <u>2001/12/27</u>
	Inventor: <u>Hideo</u>	<u>Japanese</u>
	(first) <u>MI</u> (last) <u>IBA</u>	(citizenship) <u>Japan</u>
	Residence: (city) <u>Kanagawa</u>	(state/country) <u>Japan</u>
	Post Office Address: <u>4-1101-7-918, Matsumi-cho, Kanagawa-ku, Yokohama-shi, Kanagawa, Japan</u>	
	(Zip Code) <u>221-0005</u>	
2.	Inventor's Signature: <u>伊藤 伸</u>	Date: <u>2001/12/27</u>
	Inventor: <u>Toru</u>	<u>Japanese</u>
	(first) <u>MI</u> (last) <u>ARAI</u>	(citizenship) <u>Japan</u>
	Residence: (city) <u>Ibaraki</u>	(state/country) <u>Japan</u>
	Post Office Address: <u>1-18-26, Ninomiya, Tsukuba-shi, Ibaraki, Japan</u>	
	(Zip Code) <u>305-0051</u>	
3.	Inventor's Signature: _____	Date: _____
	Inventor: _____	
	(first) <u>MI</u> (last) <u>_____</u>	(citizenship) <u>_____</u>
	Residence: (city) <u>_____</u>	
	Post Office Address: <u>_____</u>	
	(Zip Code) <u>_____</u>	

FOR ADDITIONAL INVENTORS, check box and attach sheet with same information and signature and date for each.

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